

Brooklyn Inland Wetlands Commission
Regular Meeting Minutes
September 5, 2018

The Brooklyn Inland Wetlands Commission held a regular meeting on Tuesday, September 11, 2018 at 6:00 p.m. on the following:

Call to Order: The meeting was called to order at 6:00 p.m.

Members Present: Demian Sorrentino, George Sipila, Richard Oliverson, James Paquin.

Members Absent: Jeffrey Arends with notice.

Staff Present: Martha Fraenkel, Wetlands Agent, Audrey Cross Lussier, Recording Secretary.

Also Present: Aaron Kerouac, John Marr, Pat Malek for John Marr, Keith and Melissa Hoyt, Dana Hopkins.

Roll Call: All members present stated their name for the record.

Seating of Alternates: None.

Public Hearings: None.

Public Commentary:

Keith Hoyt addresses his approved wetlands permit 011216C for the construction of a residential driveway at 13 Hickory Lane. Mr. Hoyt spoke with Joe Theroux today and he will be coming out to the property on Friday to do a walk thru. Mr. Hoyt discusses the mitigation area. Late October until May there is a lot of water. A bowl was made to hold the water.

Mr. Hoyt has an interior stone wall that is approximately 70 feet x 4 feet high in the wetlands that he would like to have removed to ground level. The stone wall sits up on the ground. There will be no excavation, no big machines used. It will be a skid steer. Mr. Hoyt discussed this with Ms. Fraenkel who recommended he come in and discuss with the Commission.

Mr. Sorrentino asked Mr. Hoyt if this is a barter for finishing the work that was shown on the plan a couple years ago. Mr. Hoyt stated yes, it is not going to be a business, it is simply to take

out that section of stone wall. Mr. Sorrentino asked if the skid steer will be driven through the wetlands adjacent to the wall?

On backing out, is there any type of vegetation that needs to be cleared in order to get the skid steer parallel to the wall for 70 feet? Mr. Hoyt commented there were prickly bushes (barberry), now removed. Mr. Hoyt dug a very wide shallow trench to divert the water away the driveway and catch it all within the (new) wetlands. Throughout the summer there were about 3 dry months, everything to the west is running constantly. Mr. Sorrentino asked what has changed. Mr. Hoyt stated that since the solar farm has gone in it has gotten worse. Mr. Oliverson asked how close is it to the completion of the project? Ms. Fraenkel stated it is about 80% done.

Mr. Sorrentino is of the opinion if it does not disturb the soil, he can remove the wall. Ms. Fraenkel has a few concerns; that the equipment would damage the wetlands, it's a commercial activity and it is not agriculture, and the wall is buried in the ground. Discussion ensued. The consensus of the Commission is to amend the existing permit with the Wetland's Agent oversight. Ms. Fraenkel agrees.

A motion was made by Jim Paquin to amend existing permit 011216C Keith and Melissa Hoyt, 13 Hickory Lane, Map 43, Lot 23-20, RA Zone; Construction of a residential driveway with associated grading, proposed 3,870 sq. ft. of wetlands disturbance and 6,850 sq. ft. of wetlands mitigation to include removal of the above ground portion of a 70 ft long stonewall, with conditions that:

1. Removal to be done during the dry season or frozen conditions, upon consultation with the Wetlands Enforcement Officer.
2. No ground disturbance is permitted, and the applicant will consult with the Wetlands Enforcement Officer regarding any remediation if needed

Motion is seconded by George Sipila. No discussion held. All in favor. The motion passes unanimously.

Additions to the Agenda:

A motion was made by Richard Oliverson to add to the agenda under New Business item #2 DR18-005 Eric Benson, owner/Dana Hopkins/Forester, 39 Grass Road, Map 7, Lot 2-1, RA Zone; cut and remove all gypsy moth dead trees. Jim Paquin seconds this motion. No discussion held. All in favor. The motion passes unanimously.

Approval of Minutes:

1. Regular Meeting Minutes July 10, 2018.

Minutes are accepted as written with no changes made.

Old Business: None.

New Business:

- 1. 091118A John and Janice Marr, 53 Wauregan Road, Map 24, Lot 134A, applicant. Place 4-inch PVC pipe and 20 cubic yards of clean fill in wetlands at 53 Wauregan Road, and place 4 inch pipe on property of Krista Kingsbury, 49 Wauregan Road/Map 24, Lot 134.**

Prior property owner, Tobi Long, had a new well drilled which was artesian. A new pipe was run to a wetland at the (south) property line without a permit to outlet the excess water. Later, a permit was issued to remove the unpermitted pipe, and the excess water was directed to an old dug well which solved the problem.

Mr. Marr, property owner of 53 Wauregan Road, submits photographs for the record. Mr. Marr commented that before Tobi Long sold the house to the new property owner Krista Kingsbury, the pipe was connected to the groundwater pipe. This pipe should have been removed before the house was sold. This pipe is continually draining water onto the Marr's property. The Marr's had a 4-inch PVC pipe with 20 cubic yards of clean fill brought in to connect into the existing pipe and reroute it further into the Marr's backyard. The fill was brought in to undergird the pipe so there was a pitch to it so there would be no problems in the winter as a safeguard.

The new owner, Kingsbury, became upset and called the State Police where a letter was served to refrain from any more activity. Mr. Marr would like to resolve this issue in a peaceful manner.

Jim Paquin asked why the Commission is being asked to solve this when it is a civil matter. If the Commission were to allow the Marr's to run a pipe across their property to take the neighbor's water, wouldn't an easement be asked for? Mr. Paquin asked Mr. Marr if the ground water pipe he speaks of is a footing drain pipe. Mr. Marr is unsure of what type of pipe it is.

Ms. Fraenkel stated she issued a letter of violation to the Marrs for activity being done in the wetlands without a permit. Ms. Fraenkel commented that there is an old pipe that has been in the ground. The new house is built with no footing drain, there is a sump pump outlet. The sump pump was turned into the old pipe. Ms. Fraenkel does not know what the old pipe was previously connected to. Prior to installation of the new pipe extension by the Marrs, Ms. Fraenkel witnessed a little bit of flow from the old pipe.

After the illegal pipe for the artesian overflow was removed, Mr. Marr attached an extension to let the water discharge to a better place without permit.

Mr. Sorrentino asked how far away is the discharge point (of the old pipe) from Mr. Marr's boundary? Ms. Fraenkel stated approximately 10 feet. Ms. Fraenkel stated that the Marr's went on to the adjacent property, attached the pipe extension which discharges to their backyard. This requires a permit as the discharge point is in the wetlands. Ms. Fraenkel stated that the Marr's realized that to stabilize the pipe, they needed to place some fill and had approximately 20 cubic yards of clean fill dumped on the Marr's property. Ms. Fraenkel was called by the State Police. Ms. Fraenkel spoke with the Marrs and directed them to come in for a wetlands permit.

Ms. Fraenkel hand delivered a letter to adjacent property owner Kingsbury requesting them to appear at the wetlands meeting. Kingsbury is concerned that the pipe extension will freeze and water will back up. Ms. Fraenkel consulted with Building Official John Berard and Town Engineer Syl Pauley who agree there is a risk that it will freeze. The property has difficulty to drain to daylight, hence no footing drain. Kingsbury's are not present at the meeting to participate in the resolution of the issue. Discussion ensued.

Commission Members agreed a site walk of the property is required.

A motion was made by George Sipila to receive application 091118A and table the application to next month's meeting and schedule a site walk for 53 Wauregan Road on Saturday, September 15, 2018 at 8 a.m. Richard Oliverson seconds this motion. No discussion held. All in favor. The motion passes unanimously.

2. DR18-005 Eric Benson, Owner/Dana Hopkins, Forester, 39 Grass Road, Map 7, Lot 2-1, RA Zone; Cut and remove all gypsy moth dead trees.

Dana Hopkins, licensed forest products harvester, represents application DR18-005. There are a lot of dead trees because of gypsy moth devastation. Ms. Fraenkel has visited the property. There are wetlands on the property and wetlands just off the property to the west. A haul road has been cut in up to the stone wall. There are two parcels, the owner lives in the small parcel adjacent to the east. The landing is on the west side of the property with no crossings. Mr. Hopkins commented the only wet spot is one ravine, which is intermittent.

Mr. Sorrentino asked if this is clear cutting. Ms. Fraenkel stated that is just tree removal.

A motion was made by Richard Oliverson application DR18-005 to deem declaratory ruling, for timber harvest with no permit needed, an as of right use under agriculture. George Sipila seconds this motion. No discussion held. All in favor. The motion passes unanimously.

Communications:

1. Budget update. Commission Members reviewed budget.
2. The Habitat Newsletter Spring/Summer 2018. Ms. Fraenkel discussed item within CACIWC News, "Right to inspect property" with Commission Members.
3. Wetlands Agent Monthly Report:

Keith Hoyt 13 Hickory Lane – Project is approximately 80% completed.

Terrence Veazie Tatnic Road – Former Forson Subdivision-renewal of permit. The lot is on a curve with a lot of trees removed. Mr. Veazie is doing the work and required a lot of E and S. The work is near done, he was told to bring an engineer back to review the work. This was done last weekend. A report has been received from Bruce Woodis and Dave Smith asking for some modifications.

Ulric Deojay, 70 Hyde Road. A proposal has been received to use an existing driveway. The applicant is building a new home to the rear of the property. The lot was cleared prior to Mr. Deojay owning it. Previously there was a barn that was renovated into a house. The driveway comes within 40 feet of wetlands. The driveway has never been approved. The question arose whether the driveway needs to be improved as it is within 40 feet of wetlands. The owner would not excavate, simply lay gravel on top of the existing driveway. Ms. Fraenkel said she finds no potential for any impact to wetlands, with no jurisdiction.

William Stachnik, Cherry Hill Road - Mr. Stachnik owns an undeveloped parcel of land on Cherry Hill Road and would like to construct a driveway. He would like to have a small camp for recreation purposes. The property straddles the Pomfret town line, there are two frontages. Ms. Fraenkel told him that he will need a soil scientist to lay out the driveway.

Wetlands Soil Workshop – Ms. Fraenkel discusses the workshop she attended with Commission Members – declaratory rulings and uses as of right.

Mr. Sorrentino asked if there is an upcoming Town Meeting happening soon so the bylaw revision can be addressed with regards to reducing the number of Commission Members. Ms. Fraenkel will look into this.

Public Commentary: None.

Adjourn: A motion was made by James Paquin to adjourn the meeting at 7:20 p.m. Richard Oliverson seconds the motion. No discussion held. All in favor. The motion passes unanimously.

Audrey Cross-Lussier, Recording Secretary